(ബി) ഉച്ചഭക്ഷണത്തിനുള്ള ഏർപ്പാടാവാത്ത സ്കൂളുകളുടെ ഒരു പട്ടിക അടക്കം ചെയ്യുന്നു.

(സി) ഉണ്ട്. മേൽപട്ടിക നോക്കുക. (Placed on the Council table).

(ഡി) കാരണങ്ങൾ പലതാണ്. അവയിൽ പ്രധാനമായവ താഴെ ചേർക്കുന്നു.

(എ) ഒട്ടുവളരെ സ്കൂളുകളിൽ ഫീഡിംഗ് തുടങ്ങുവാനുള്ള നടപടികൾ പൂർത്തിയായിട്ടില്ല.

(ബി) ചില പ്രൈവറ്റ് സ്കൂളുകളിൽ മാനേജർമാർക്ക് ഫീഡിംങ്ങ് തുടങ്ങുവാനുള്ള വൈമുഖ്യമാണ് പ്രധാന കാരണം.

(സി) ചിലവയിൽ ഫീഡിങ്ങ് ആവശ്യമുള്ള കുട്ടികൾ ഇല്ല.

(ഡി) ചിലതിൽ ഫീഡിംങ്ങ് നടത്തുവാനുള്ള സൌകര്യമോ, പാത്രങ്ങളോ ഇല്ല.

(ഇ) അപ്രകാരമുള്ള സ്കൂൾ അധികാരികളെ ഉച്ചഭക്ഷണം കൊടുക്കുവാൻ വേണ്ട ഏർപ്പാടുകൾ ചെയ്യുവാൻ പ്രേരിപ്പിച്ചുവരുന്നുണ്ട്.

BARBERS' UNION—REPRESENTATION TO THE DIRECTOR OF FOOD SUPPLIES

340. മിസ്റ്റർ പി. കെ. ഡീവർ: താഴെ പറയുന്ന ചോദ്യങ്ങൾക്ക് ബഹുമാനപ്പെട്ട ഗവർമ്മെണ്ടു സദയം മറുപടി പറയുമോ.—

(എ) ഫുഡ്സ് ഡയറക്ടരുടെ മുമ്പാകെ കൊച്ചി ബാർബർ തൊഴിലാളി യൂണിയനും അഖില വയ്യിൻ ബാർബർ തൊഴിലാളി യൂണിയനും ഏതെങ്കിലും നിവേദനങ്ങൾ ചെയ്തുകയുണ്ടായിട്ടുണ്ടോ;

(ബി) ഉണ്ടെങ്കിൽ അവ എന്തെല്ലാമാണ്;

(സി) ആ കാര്യത്തിൽ അവർക്ക് എന്തു ഒത്താശകൾ ചെയ്തുകൊടുത്തു?

റാവു സാഹിബ് എം. എം. പോൾ:

(എ) ഉണ്ട്.

(ബി) ഇതിനോട് അനുബന്ധമായി ചേർത്തിട്ടുള്ള പട്ടികയിൽ Appendix III ൽ വരിച്ചിട്ടുള്ള സാധനങ്ങൾ അവർക്കു സപ്ലൈ ചെയ്യുവാൻ വേണ്ട ഏർപ്പാടുകൾ ചെയ്യണമെന്നായിരുന്ന നിവേദനം.

(സി) സാധനങ്ങളുടെ സ്റ്റോക്ക് അനുസരിച്ച് ഓരോ തൊഴിലാളികൾക്കും അവ കൊടുക്കുവാൻ ഏർപ്പാട് ചെയ്തു.

DELAY IN TRANSPORT OF STOCK—PAYMENT OF DEMURRAGE

341. Mr. V. R. Krishnan Ezhuthassan *(Oorakam):* Will Government be pleased to state.—

(*a*) have the Government had to pay demurrage on account of delay to transport stock from the Trichur Railway Station to the Central Depot at Trichur;

(*b*) if so, how many times did they pay demurrage;

(*c*) what was the total amount paid up-to-date;

(*d*) who is responsible for the delay in transport; is it Government or contractor?

Rao Sahib M. M. Paul *(Director of Food Supplies)*

(*a*) Yes.

(*b*) Once.

(*c*) Rs. 654/13.

(*d*) Two steamers from Bengal came to Cochin Port simultaneously with a consignment of 191,182 bags of rice. These were soon followed by the steamers arriving with rice from Karachi. As there was not sufficient godown space at Cochin and as the steamers had to be unloaded urgently, a portion of the goods had to be sent to Trichur immediately by arranging special goods trains for a few days. As the waggons also had to be unloaded within 6 hours of their arrival, they were unloaded in the Trichur goods shed premises. As more and more waggons came and were unloaded in the Railway premises it was not possible to move the bags thus unloaded to the godowns within the prescribed time. In addition to these difficulties there were heavy rains during these days and the level crossing gates on the southern side of the Railway station was closed on several occasions during day time and remained thus closed at times for compratively longer periods due to the frequent arrivals and shunting of trains from either side.

LIBRARY ARCHIVES Kerala Legislative Assembly

APPENDIX I

(Please see answer to Question No. 312)

Month	J. 173	L. 703	M. S. 55	Printed Sarees
Chingam	5 pieces	Nil	227 pieces	Nil
Kanni	Nil	150 pieces	222 ,,	Nil
Thulam	Nil	Nil	148 ,,	1036*

*Including half sarees.

APPENDIX II

(Please see answer to Question No. 312)

	Printed Sarees			J. 173			L. 703			M. S. 55		
	Chingam	Kanni	Thulam	Chingam	Kanni	Thulam	Chingam	Kanni	Thulam	Chingam	Kanni	Thulam
Cochin Kanayannur	..	..	444	5 pieces	..	..	..	56 pieces	..	113 pieces	135 pieces	32 pieces
Mukundapuram	..	..	102	..	..	..	..	15	..	..	4	29
Cranganur	..	..	43	..	..	..	..	4	..	40	9	13
Trichur	..	..	376	..	..	..	..	35	..	74	74	74
Chittur	..	..	61	..	..	..	..	19	..	..	..	..
Talappalli	..	..	10	..	..	..	..	21	..	..	..	..

APPENDIX III

(Please see answer to Question No. 340)

ക.	മണ്ണെണ്ണ	൩൨ ൦ കൂപ്പി	മാസത്തിൽ
ഖ.	ഷേവിങ്ങ് സോപ്പ് (കട്ട)	൪ ൫ ൪	,,
ഗ.	കത്തി	൩ ൦ ൭	കൊല്ലത്തിൽ
ഘ.	കത്രിക	ക ൫ ൫	,,
ങ.	മിഷീൻകത്രിക	ക ൪ ൩	,,
ച.	പമ്പ്	൭ ൯	,,
ഛ.	ഷേവിങ്ങ് ബ്രഷ്	ക ൫ ൭	,,
ജ.	ലതർ (സ്ട്രാപ്പ്)	൭ ൪	,,
ഝ.	ഹെയർ ബ്രഷ്	ക ൦ ക	,,
ഞ ൦.	ചീപ്പ്	൨ ൭ ൯	,,
ഞ ക.	കട്ടിക്കറ പൌഡർ വലിയ ടിൻ	ക ൩ ൦	മാസത്തിൽ
ഞ ഖ.	സ്നോ (കൂപ്പി)	ക ൪ ൦	,,
ഞ ഗ.	പൌഡർ (പാക്കറ്റ്)	൩ ക ൯	,,
ഞ ഘ.	എൻസോറൊക്രീം	൨ ൩	,,
ഞ ങ.	ഹെയർ ഓയിൽ (കൂപ്പി)	ക ൦ ൩	,,
ഞ ച.	ഇലം (പടിയക്കാരം) റാത്തൽ	൭ ൨	,,
ഞ ഛ.	എലക്ട്രിക് ബൾബ്	൪ ൦	കൊല്ലത്തിൽ

LIBRARY ARCHIVES Kerala Legislative Assembly

APPENDIX IV

THE COCHIN PRESS AND REGISTRATION OF BOOKS ACT (AMENDMENT) BILL

WHEREAS it is necessary further to amend the Cochin Press and Registration of Books Act, VII of 1097; It is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called the Cochin Press and Registration of Books (Amendment) Act of 112 and shall come into force at once.

2. *Amendment of Section 3.*—In section 3 of the Cochin Press and Registration of Books Act, VII of 1097, hereinafter referred to as the Act, for the word "newspaper" the word "paper" shall be substituted in the two places where it occurs.

3. *Amendment of Section 5.*—In section 5 of the Act the word "printed" shall be omitted.

4. *Amendment of Section 12.*—In section 12 of the Act for the word "newspaper" the word "paper" shall be substituted.

5. *Amendment of Section 21.*—In section 21 of the Act.—

(*a*) for the words "book or newspaper" the words "book, paper or newspaper" shall be substituted in the two places where they occur; and

(*b*) in explanation (2) for the words "books or newspapers" the words "books, papers or newspapers" shall be substituted.

6. *Amendment of Section 22.*—In section 22 of the Act for the words "book or newspaper" the words "book, paper or newspaper" shall be substituted.

7. *Amendment of Section 23.*—In section 23 of the Act.—

(1) In sub-section (2)—

(*a*) for the words "books or newspapers" the words "books, papers or newspapers" shall be substituted;

(*b*) In proviso (2)—

(*i*) for the words "Chief Court" the words "High Court" shall be substituted;

(*ii*) for the words "book or newspaper" the words "book, paper or newspaper" shall be substituted; and

(2) In sub-section (3) for the words "Chief Court" the words "High Court" shall be substituted.

APPENDIX V

THE COCHIN FACTORIES ACT (AMENDMENT) BILL

WHEREAS it is expedient further to amend the Cochin Factories Act, II of 1113 for the purposes hereinafter appearing; It is hereby enacted as follows.—

1. *Short title and commencement.*—(1) This Act may be called the Cochin Factories (Amendment) Act, of 112 .

(2) It shall come into force on such day as Government may by notification in the Cochin Government Gazette appoint.

2. *Amendment of Section 9.*—In section 9 of the Cochin Factories Act, II of 1113, hereinafter referred to as the Act, in sub-section (1) the word "and" occurring at the end of clause (d) shall be omitted and after clause (e) the following word and clause shall be added, namely.—

"; and

(*f*) such other particulars as may be prescribed for the purposes of this Act."

3. *Amendment of Section 19.*—In sub-section (3) of section 19 of the Act, the words "in which any process involving contact by the workers with injurious or obnoxious substances is carried on" shall be omitted.

LIBRARY ARCHIVES Kerala Legislative Assembly

4. *Amendment of Section 23.*—In sub-section (1) of section 23 of the Act, for the words "as can reasonably be required in the circumstances of each factory" the words "as may be prescribed" shall be substituted.

5. *Insertion of new Section 35A.*—After section 35 of the the Act, the following section shall be inserted, namely.—

"35A. *Compensatory holidays.*—(1) Where, as a result of the passing of an order or the making of a rule under the provisions of this Act exempting a factory or the workers therein from the provisions of section 35, a worker is deprived of any of the weekly holidays for which provision is made by sub-section (1) of that section, he shall be allowed, as soon as circumstances permit, compensatory holidays of equal number to the holidays so lost.

(2) Government may make rules prescribing the manner in which the holidays, for which provision is made in sub-section (1), shall be allowed".

6. *Insertion of new Chapter IVA.*—After Chapter IV of the Act the following Chapter shall be inserted, namely:—

"CHAPTER IV-A

Holidays with Pay

49A. *Application of Chapter.*—(1) Provisions of this Chapter shall not apply to seasonal factory.

(2) The provisions of this Chapter shall not operate to the prejudice of any rights to which a worker may be entitled under any other enactment, or under the terms of any award agreement or contract of service.

49B. *Annual holidays.*—(1) Every worker who has completed a period of twelve months continuous service in a factory shall be allowed, during the subsequent period of twelve months, holidays for a period of ten or, if a child, fourteen consecutive days, inclusive of the day or days, if any, on which he is entitled to a holiday under sub-section (1) of section 35.

(2) If a worker fails in any one such period of twelve months to take the whole of the holidays allowed to him under sub-section (1), and holidays not taken by him shall be added to the holidays to be allowed to him under sub-section (1) in the succeeding period of twelve months so however that the total number of days holidays which may be carried forward to a succeeding period shall not exceed ten or, in the case of child, fourteen.

(3) If a worker entitled to holidays under sub-section (1) is discharged by his employer before he has been allowed the holidays, or if, having applied for and having been refused the holidays, he quits his employment before he has been allowed the holidays, the employer shall pay him the amount payable under section 49-C. in respect of the holidays.

Explanation.—A worker shall be deemed to have completed a period of twelve month continuous service in a factory notwithstanding any interruption in service during those twelve months brought about by sickness, accident or authorised leave not exceeding ninety days in the aggregate for all three or by a lockout, or by a strike which is not an illegal strike or by intermitant periods of involuntary unemployment not exceeding thirty days in the aggregate; and authorised leave shall be deemed not to include any weekly holiday allowed under section 35 which occurs at the beginning or end of an interrruption brought about the leave.

49C. *Pay during annual holidays.*—Without prejudice to the conditions governing the day or days, if any, on which the worker is entitled to a holiday under sub-section (1) of section 35, the worker shall, for the remaining days of the holidays allowed to him under section 49B, be paid at a rate equivalent to the daily average of his wages as defined in the Cochin Payment of Wages Act, IV of 1113, for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

49D. *Payment when to be made.*—A worker who has been allowed holidays under section 49B shall before his holidays begin, be paid half the total pay due for the period of holidays.

49E. *Power of Inspector to Act for worker.*—Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be paid under this Chapter by an employer which the employer has not been paid.

49F. *Power to make rules.*—(1) Government may make rules to carry into effect the provisions of this Chapter.

LIBRARY ARCHIVES Kerala Legislative Assembly

(2) Without prejudice to the generality of the foregoing power, rules may be made under this section prescribing the keeping by employers of registers showing such particulars as may be prescribed and requiring such registers to be made available for examination by Inspectors,

49G. *Exemption of Factories rom provision of this Chapter.*—Where Government are satisfied that the leave rules applicable to workers in a factory provide benefits substantially similar to those for which this Chapter makes provision they may, by written order exempt the factory from the provisions of this Chapter".

7. *Insertion of new Chapter V. A.*—After Chapter V of the Act the following Chapter shall be inserted, namely.—

"CHAPTER V. A.

Small Factories

59A. *Small Factories.*—(1) In this Act, unless there is anything repugnant in the subject or context "small factory" means any premises including the precincts thereof whereon ten or more but less than twenty workers are working or were working on any day of the preceding six months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on:

Provided that Government may by notification in the Cochin Government Gazette, declare any premises to be a small factory, notwithstanding that less than ten workers are working thereon, if such premises would otherwise be a small factory.

(2) For the purposes of this Chapter an adolescent holding a certificate granted under this Act to work as an adult small be deemed to be an adult.

59B. *Certain provisions of this Act to apply to small factories wherein child labour is employed.*—(1) All the provisions of this Act, except clause (i) of section 2, sections 4, 5, 6 and 7, sub-sections (1) and (4) of section 14, sections 15, 21, 22 and 25, sub-sections (1), (2) and (3) of section 33 and Chapter IV shall apply to, and in relation to, all small factories wherein any worker who is not, or is not deemed to be, an adult is employed; and in the provisions hereby made so applicable every reference to a factory shall be deemed to include, so far as may, be a reference to a small factory.

(2) The aforesaid provisions shall cease to apply to a small factory on the expiry of six months from the receipt by the Inspector of a notice in writing from the occupier that he has ceased to employ therein any worker who is not, or is not deemed to be, an adult, unless any such worker who is not, or is not deemed to be, an adult, unless any such worker is employed therein on any day of the said six months:

Provided that if any such worker is thereafter employed in the small factory, the said provision of this Act shall again apply thereto.

59C. *Certain other provisions of law not barred.*—The provision of this Chapter shall in addition to and not in derogation of, the provisions of the Cochin Employment of Children Act, XIII of 1120".

8. *Amendment of Section 60.*—In section 60 of the Act.—

(*a*) at the end of clause (*f*), the word "or " shall be added;

(*b*) after clause (*f*), as so amended, the following clause shall be inserted, namely.—

(*g*) there is any contravention of section 49B, 49C or 49D, or of any rule made under section 49F;

9. *Amendment of Section 61.*—In section 61 of the Act, for the brackets and letter "(*f*)", the brackets and letter "(*g*)" shall be substituted.

APPENDIX VI

"We the undersigned members of the Second Select Committee to which the Bill further to amend the Cochin Agriculturists' Relief Act (Amendment) Bill was recommitted for reconsideration of clauses 4 and 5, have the honour to submit this our Report.

2. Section 24 of the Cochin Agriculturists' Relief Act relates only to the scaling down of debt covered by decrees passed against agriculturists before the 1st day of Chingam 1115. It

LIBRARY ARCHIVES Kerala Legislative Assembly

does not relate to scaling down of pattam or michavaram. Clause 4 of the amending Bill seeks to take way the period of 90 days provided in section 24 within which application has to be made for scaling down the decree passed before the first day of Chingam 1115. There can be no doubt that the legislature did intend to provide for a period of 90 days as a rule of limitation in order to have a finality regarding the amount of debt payable or recoverable within a reasonably short time to enable the decree-holder and judgment-debtor to know what their position will be under the special Act. Section 7 of the Act, unlike the corresponding provision in the Madras Act, provides for the payment of the debt as scaled down in two instalments before the close of the year 1115 which establishes beyond doubt the necessity for the speedy ascertainment and payment of such scaled down decree debts. The Select Committee on the original Bill has deemed fit to impose the time limit and we see no reason to disturb the provision long after it has almost spent itself. It is considered that most, if not all, of the decree debts must have been scaled down in accordance with the provisions of the Act. Where a special legislation providing for a relief has laid dowd a rule of limitation wihin which the relief ought to be sought, it cannot be contended after a period of six years that there are some stray cases where the agriculturists have failed to make the application within the requisite time and that therefore the period of limation should be done away with. Ignorance of law cannot be pleaded as an excuse for the extinction of the period of limitation. There is also no evidence before the Committee that there are any appreciable number of such cases. It is not enough if the number of subsisting decrees passed before the commencement of Act is ascertained. The question whether at judgment-debtor is an agriculturist or not is question of fact. It is not proper to utilise the machinery of the legislature for stray individuals, if any, who are themselves defaulters under the law.

3. It may be that decrees passed before the commencement of the Act might have been satisfied by the sale of properties or otherwise and it is not proper to re-open at this late stage such transaction on the ground that the decree would have been scaled down had there been no time limit.

4. The Agriculturists' Relief Act happend to be enacted at a time when the prices of agricultural products were low and it was a special piece of legislation to grant relief to those who were affected by the depression which was prevalent for a period long prior to the Act. In our view, there is no justification to amend the Act now when the prices of agricultural products have shot up so considerably. The bar of resjudicata will also stifle the purpose of the amendment.

5. Clause 5 of the amending Bill is intended to clarify that the period of 60 days mentioned in section 25 is applicable only to the period of the stay of the proceedings mentioned in that section.

6. At the meeting of the Committee held on 6th Dhanu 1121 it was decided to report against the acceptance of clauses 4 and 5 of the amending Bill. At that meeting 6 alone of the members of the Committee were present and as the votes were equally divided, the Chairman had to exercise his casting vote. We accordingly endorse the report of the first Select Committee and report against the acceptance of the clauses of the Bill recommitted to us.

7. The Bill as reported by the first Select Committee was published in the issue of the Cochin Government Gazette dated 20th Kumbham 1120/3rd March 1945.

8. Since the Bill has not undergone any change at he hands of the Second Select Committee, we do not think that it requires re-publication.

(Signed) 1. M. SIVARAMA MENON Chairman.
" 2. K. BALAKRISHNA MENON (Subject to the dissenting minute).
" 3. PARAMEL IPE IPE do.
" 4. K. T. ACHUTHAN do.
" 5. V. R. KRISHNAN EZHUTHASSAN do.
" 6. K. S. PANICKER do.
" 7. P. GOVINDA MENON With an additional note.
" 8. A. MADHAVA PRABHU.
" 9. P. KUMARAN EZHUTHASSAN Subject to dissenting note.

Dissenting Minute

The question recommitted to the Select Committee is whether it is necessary to retain clauses 4 and 5 of the original Bill. These clauses are intended to undo the mischief wrought

LIBRARY ARCHIVES Kerala Legislative Assembly

by the interpretation put upon section 24 of the Cochin Agriculturists' Relief Act by the highest Court in their decisions reported at page 343 of 10 Cochin Law Journal and at page 530 of 1120 Cochin. By these decisions many an agriculturiststst debtor is denied the benefits conferred on him by the provisions of the Cochin Agriculturists' Relief Act which in comparison with the Madras Act is but an appology.

The attempt should be never to circumvent the limited scope of our Act but to see that the maximum benefit of the Act is enjoyed by the largest number of those for whom the legislature, in their wisdom enacted the Cochin Agriculturists' Relief Act. In this view and due regard being had to the fact that by the retention of these clauses some more agriculturist debtors stand to gain the benefits conferred by the limited provisions of our Act, we are definitely of the opinion that these clauses should be retained in the Bill.

(Signed) 1. P. KUMARAN EZHUTHASSAN.
" 2. K. BALAKRISHNA MENON.
" 3. K. T. ACHUTHAN.
" 4. V. R. KRISHNAN EZHUTHASSAN.
" 5. PARAMEL IPE IPE.
" 6. K. S. PANICKER.

Additional note of Mr. P. Govinda Menon

I do not think that there has been any misapprehension in the minds of the agriculturists debtors as to the necessity to make application for scaling down of decrees for debts in existence on 1st Chingam 1115 within 90 days as provided in section 24 the Agriculturists' Relief Act. There may be, if at all, only stray individual cases where decrees remain not scaled down because applications were not made within 90 days. I am against making use of the machinery of the Legislature to cover stray and individual cases. On the definite ground, therefore, that such cases are few and far between, I affix my signature to the main report. If there are an appreciable number of cases, then alone, there is according to me, any case for amending section 24 of the Agriculturists' Relief Act.

APPENDIX VII

THE COCHIN AGRICULTURISTS' RELIEF ACT (AMENDMENT) BILL

WHEREAS it is expedient further to amend the Cochin Agriculturists' Relief Act, XVIII of 1114; It is hereby enacted as follows.—

1. This Act may be called the Cochin Agriculturists' Relief (Amendment) Act.....of .....and it shall come into force at once.

2. In sub-section (1) of section 16 of the Cochin Agriculturists' Relief Act, XVIII of 1114, hereinafter referred to as the Act,—

(*i*) the following words shall be inserted between the words "therefor" and "shall".—

"or whether the same has been adjusted by the execution by the agriculturist to the land-holder, jenmi or intermediary of a promissory note, mortgage or other instrument"; and

(*ii*) The following provisos shall be added.—

"Provided that the agriculturist shall not be entitled to such scaling down in respect of pattam and interest thereon for which a promissory note, mortgage or other instrument had been executed if the right to recover the amount under the instrument has on the date of the commencement of the Cochin Agriculturists' Relief (Amendment) Act of ceased to vest in the land-holder, jenmi or intermediary:

Provided further that where a transaction covered by a promissory note, mortgage or other instrument is re-opened and scaled down under this section, the agriculturist shall not be entitled to any credit for the sums, if any, given up by the land-holder, jenmi or intermediary when the document was executed and the arrears of pattam and interest thereon shall be scaled down as if no such sum had been given up.

LIBRARY ARCHIVES Kerala Legislative Assembly

3. In sub-section (1) of section 17 of the Act,—

(*i*) the following words shall be inserted between the words "therefore" and "shall".—

"or whether the same has been adjusted by the execution by the agriculturist to the land-holder or jenmi of a promissory note, mortgage or other instrument"; and

(*ii*) the following provisos shall be added.—

"Provided that the agriculturist shall not be entitled to such scaling down in respect of michavaram and interest thereon for which a promissory note, mortgage or other instrument had been executed if the right to recover the amount under the instrument has on the date of the commencement of the Cochin Agriculturists' Relief (Amendment) Act, of ceased to vest in the land-holder or jenmi:

Provided further that where a transaction covered by a promissory note, mortgage or other instrument is re-opened or scaled down under this section, the agriculturist shall not be entitled to any credit for the sums, if any, given up by the land-holder or jenmi when the document was executed and the michavaram and interest thereon shall be scaled down as if no such sum had been given up."

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